

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT RAYMOND FASUGA

Case No. MJ-21- -H-KLD

**AFFIDAVIT OF KYLE SOLON
IN SUPPORT OF A CRIMINAL COMPLAINT**

1. I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and has been so employed since January 2016. I am currently assigned to the Helena, Montana, Field Office within the Denver Field Division. I am tasked with investigating violations of federal firearms, explosives, and narcotics laws. Prior to employment as an ATF Special Agent, I was certified by the Georgia Peace Officer Standards and Training Council (P.O.S.T.) and employed as a police officer continuously for six (6) years with Cobb County Police Department in Cobb County, Georgia. During my time as a police officer, I successfully applied for, was granted, and executed over a hundred state arrest and search warrants. I received a Bachelor's degree in Criminal Justice from the University of Georgia in Athens, Georgia. I am also a graduate of the Criminal Investigator Training

Program from the Federal Law Enforcement Training Center, as well as the ATF National Academy, both of which are located in Glynco, Georgia.

2. During my tenure as an ATF Special Agent, I have led and assisted in multiple investigations related to federal and state criminal firearm, explosives, and narcotics violations. I have obtained multiple federal search warrants, participated in the execution of numerous federal and state search and seizure warrants for firearms, explosives, and narcotics violations, and have conducted interviews of suspects, witnesses, and informants relating to various types of crimes. These warrants involved the search of locations ranging from residences and businesses to vehicles and storage facilities. Items searched for, recovered and seized in these locations have included narcotics, explosives, ammunition, firearms of all types, including those illegal to possess under any circumstance, records pertaining to the previous purchase or sale of ammunition and firearms, as well as documents demonstrative of ownership of those illegal and seized items. I have also authored and effected federal arrest warrants.

3. I have also received specialized training in the investigation of federal firearms and explosives violations from the ATF National Academy, located within the Federal Law Enforcement. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with

others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

4. On August 2, 2019, in Montana First Judicial District Court, Lewis and Clark County, an Information was filed against Robert Fasuga for the charge of Assault with a Weapon, Felony, in case number CDC-2019-354. On August 7, 2019, Fasuga appeared with counsel for his Arraignment hearing on the felony Information filed in case number CDC-2019-354. Fasuga answered to his true name and was advised of the pending charges and the possible punishment. On January 19, 2021, this case was dismissed. I reviewed the court documents associated to this charge.

5. On or about October 20, 2019, Witness #1 (who is known to your affiant and willing to testify if called to court) began his employment at Mountain Man Trading Post, ATF Federal Firearms Licensee #98101215. Between October 20, 2019, and January 21, 2020, Witness #1 stole multiple firearms from Mountain Man Trading Post. Specifically during Witness #1's employment, Witness #1 stole a Bryco Arms, model Bryco 38, .380 Auto caliber, semi-automatic pistol, with serial number 371938, from Mountain Man Trading Post. Witness #1 was

subsequently prosecuted and convicted for his criminal actions in federal court.

Witness #1 was recently sentenced to 12 months plus one day incarceration followed by three years of supervised release.

6. On or about June 15, 2020, in the County of Lewis and Clark, within the District of Montana, Robert Raymond Fasuga engaged in a vehicle pursuit with Lewis and Clark County Sheriff's Office, case #LC200918. Fasuga led deputies to his residence at a trailer located on North Montana Avenue, Helena, Montana 59602. Fasuga then exited his vehicle and then fled on foot into his residence. Deputies deployed a Taser on Fasuga but were not able to take Fasuga into custody. Fasuga retrieved two firearms (pistols) from his person, placed both firearms to his head and threatened suicide. Deputies were able to talk Fasuga into putting the firearms down and he was taken into custody.

7. One of the firearms recovered from Fasuga was a Bryco Arms, model Bryco 38, .380 Auto caliber, semi-automatic pistol with serial number 371938. The same firearm suspected stolen by Witness #1 from Mountain Man Trading Post on January 21, 2020, ATF case number #788050-20-0040.

8. On June 15, 2020, Lewis and Clark County Deputy Blyth and I made contact with and conducted an in custody recorded Mirandized interview with Fasuga. After waiving his *Miranda* rights, Fasuga said that he purchased the firearm from J.L. about seven to eight months prior for \$50.00. Fasuga said that he

has known J.L. since 2002 and J.L deals in a lot of stolen goods. When I asked Fasuga if he thought the firearm was stolen, he said "Yes."

9. ATF Special Agent Wozniak, an interstate nexus expert, examined the Bryco Arms, model Bryco 38, .380 Auto caliber, semi-automatic pistol with serial number 371938. Special Agent Wozniak determined that the firearm affected interstate commerce, as it was manufactured in Gardena, California.

10. Based on the foregoing, I submit that there is probable cause to believe that on or about June 15, 2020, Robert Raymond Fasuga committed the offense of *Knowing Possession of a Stolen Firearm*, in violation of Title 18 U.S.C. § 922(j).

/s/ Kyle Solon
Kyle Solon, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me over the telephone and signed by me pursuant to Federal Rule of Criminal Procedure 4.1 and 4(d), this 22nd day of March, 2021.

Kathleen L. DeSoto
Hon. Kathleen L. DeSoto
United States Magistrate Judge
Missoula, Montana